

NEW U. S. COURT RULE A TRIUMPH FOR LABOR

Sweeping Changes in Equity Procedure Conform to Unions' Anti-Injunction Demands.

SIMPLIFICATION THE AIM

Reduction of Cost of Litigation and the Elimination of Delays Sought by Chief Justice and His Associates.

Washington, Nov. 4.—Sweeping changes in procedure in equity cases in federal courts throughout the United States are effected in revised rules promulgated today by the Supreme Court of the United States. The object is to reduce the cost of litigation and to eliminate delays.

The rules were announced by Chief Justice White, who, however, omitted explanation of one which would prohibit issue of preliminary injunctions without notice to the opposite party and also restricting issues of temporary restraining orders.

The new anti-injunction rule incorporates into practice several demands of labor leaders which they sought to have recognized by the enactment of the so-called Clayton anti-injunction bill. The new rule follows in a general way the rules of the federal court in the 9th Circuit, which comprises the Pacific Coast States.

Samuel Gompers, president of the American Federation of Labor, had this to say about the anti-injunction rule:

"It is a step in the right direction and one of the things labor has long been fighting for."

To Do Away With Delay.

Chief Justice White grouped the reforms under four or five heads. One was in regard to the exercise of power by the federal courts in equitable matters. Another was described as being designed primarily to remove all unnecessary steps in modes of pleading and to bring the parties quickly to the issue. A third was described as being a restriction in the modes of taking testimony, particularly in patent and copyright cases.

"The whole intention has been," said the Chief Justice, "to bring the taking of testimony down to a more simplified and inexpensive method."

Another reform was said by the Chief Justice to be illustrated by the statement that the new rules in general provide for trial by the court instead of a reference of the suit to a referee to take the testimony and report back to the court.

The Chief Justice said the new rules, which go into effect February 1, 1913, would make it possible for the Appellate Court not to reverse suits merely because of errors not prejudicial.

The New Injunction Rule.

The new rule on injunctions provides: No preliminary injunction shall be granted without notice to the opposite party, nor shall any temporary restraining order be granted without notice to the opposite party, unless it shall clearly appear from specific facts shown by affidavit or by the verified bill that injury, damage and irreparable loss or damage will result to the applicant before the matter can be heard on notice.

In case a temporary restraining order shall be granted without notice in the contingency specified the matter shall be made returnable at the earliest possible time, and in no event later than ten days from the date of the order, and shall take precedence of all other matters of the same character.

When the matter comes up for hearing the party who obtained the temporary restraining order shall proceed with his application for a preliminary injunction, and if he does not do so the court shall dissolve his temporary restraining order.

Upon two days' notice to the party obtaining such temporary restraining order or the opposite party, the court may modify the order, and in that event the court or judge shall proceed to hear and determine the matter as expeditiously as the ends of justice may require. Every temporary restraining order shall be forthwith filed in the clerk's office.

Work of Chief Justice White.

One of the tasks undertaken by Chief Justice White when he was appointed to succeed Melville W. Fuller was to reform procedure in the courts. He first revised the rules of the Supreme Court itself.

For seventeen months the Chief Justice and Justices Lurton and Van Devanter have been working on the equity rules as a sub-committee of the court. They asked every federal judge throughout the country to get expressions from bar associations on the subject and wrote to many others asking for suggestions.

These suggestions were digested by the sub-committee, assisted by W. J. Hughes, of the Department of Justice. The present rules came down from the courts of England, with only one or two revisions since the beginning of the Republic. The last revision was about fifty years ago. The Chief Justice particularly thanked the Lord Chancellor of England for suggestions in the revision.

LAWYERS GET \$25,000 FEE

Paid for Settling Claim of Prince de Bearn's Children.

(By Telegraph to The Tribune.) Baltimore, Nov. 4.—Under an order signed by the judges of the Orphans Court today, a fee of \$25,000 is to be paid to Maurice Leam, of New York, and the law firm of Marbury, Gosnell and Williams, of Baltimore, for representing the two infant children of Prince de Bearn in the negotiations with the representatives of the estate of the prince's father-in-law, the late Ross Winans.

The children, who were not named in their grandfather's will, are entitled to \$500,000 in settlement of their claims. Part will be paid by the residuary legatees, and the rest will be made up by Miss Dorothy Bateman, of Newport, who received \$500,000.

YOUNG LEAVES ALL TO WIDOW.

(From The Tribune Bureau.) Washington, Nov. 4.—The will of Admiral Lucien Young, of the United States Navy, who died in New York October 2, was filed today for probate. All the property is bequeathed to his widow, Belle Parker Young.

The Pure Product of Nature's Springs. You will feel better and do better for using

Hunyadi Janos Water

NATURAL LAXATIVE

Glass on Arising for

CONSTIPATION

WHERE CANDIDATES VOTE AND HEAR RETURNS.

Vote at

Hear results at

Taft..... Cincinnati..... Home of brother, C. P. Taft.

Wilson..... Princeton..... Princeton.

Roosevelt..... Oyster Bay..... Sagamore Hill, Oyster Bay.

Hedges..... No. 408 West 34th St..... Hotel Martinique.

Sulzer..... No. 39 Third Ave..... Home, No. 175 Second Ave.

Straus..... No. 353 Amsterdam Ave..... Home, No. 5 West 76th St.

WARREN TO VOTERS.

Polls open at 6 a. m. and close at 5 p. m. Vote early and do not lose your right.

WHERE CANDIDATES VOTE AND HEAR RETURNS.

Vote at

Hear results at

Taft..... Cincinnati..... Home of brother, C. P. Taft.

Wilson..... Princeton..... Princeton.

Roosevelt..... Oyster Bay..... Sagamore Hill, Oyster Bay.

Hedges..... No. 408 West 34th St..... Hotel Martinique.

Sulzer..... No. 39 Third Ave..... Home, No. 175 Second Ave.

Straus..... No. 353 Amsterdam Ave..... Home, No. 5 West 76th St.

HEDGES CHEERED IN FINAL TOUR

Continued from first page.

visited, and from there Mr. Hedges went to Furman Hall, at Prospect and Westchester avenues. Here he had the noisiest reception of the evening, being received by a brass band and a great deal of the red fire he had referred to at a previous meeting as having been noticeably absent from the campaign. The hall was jammed to the doors, and it was with great difficulty that the speaker's party made their way to the platform.

No Let-up on Tammany.

Tammany Hall came in for another raking, the speaker launching into even severer denunciation of Tammany methods than he had at previous meetings. He also mentioned Straus for the first time during the evening's campaign, but only to deprecate his chances of success. In part he said:

"I know Mr. Straus better than a great many men, and I can applaud him for his good deeds, and I can applaud him for his upright conduct, but I simply submit that for him to be elected Governor by any man, make his way to the platform, and a majority of the Democratic votes. Now, he cannot do that. Men are too addicted to party to change all their party lines for just that, and, therefore, as a matter of fact, while a man may want to compliment him and I respect that, the Progressive party thinks it more important to maintain his party than to try to contribute to the redemption of the great State of New York."

"There can be no progress in this state politically until we get rid of the fundamentalism that we get rid of the government at Albany run from the City of New York. Therefore, I say to people who are revolting this thing thoughtfully, I want to say to you that I have not the slightest quarrel with him; but I say that for any man to make his way to the Governor's office, that man has got to vote either for Mr. Sulzer or for myself."

Camp Taft, in 149th street between Third and Courtlandt avenues, and Camp Hedges, at 145th street and Willis avenue, were the two final stops.

Enthusiasm to the Last.

The enthusiasm with which the large crowds at previous meetings had greeted him was manifest to the finish, and when he announced at the last meeting that his three weeks of strenuous campaigning were at an end he was cheered loudly.

In closing, Mr. Hedges said:

"The only charge they have brought against me is that I have a sense of humor, and I believe me, if I get to Albany I will play the most practical joke ever played on some people from this city, and they will know it. I want to thank you for your attendance and ask you to pardon me for not talking longer, because my voice won't hold out. I want you to believe in my integrity of motive. I want you to believe in the sincerity of my desire to give this state a good government."

"I don't want to be Governor just for the title; I want to be Governor to demonstrate that it is possible to have a real, normal, man-fleshed kind of administration at Albany, where the good name and reputation of the State of New York and her money shall be well taken care of."

BROUGHT DEAD MAN IN CAB

Disappearance of Policeman Complicates Hospital Mystery.

Shortly after 6 o'clock last night a cab drove into Bellevue Hospital, and Patrolman William J. Gatewood, in civilian clothing, carried an inert form into the hospital. Dr. Hill took one look at the man and said he was dead. When he turned to talk to the man who brought the body to the hospital he found him gone, as was the cab in which he was brought.

Dr. Hill then found the dead man had a fracture of the skull, a broken right arm, internal injuries, crushed chest and broken collarbone. He also had a cut over the right eye, and his face was badly bruised.

Later the police learned that the man had fallen from a car at 23d street and First avenue while the car was in motion, and that another man, who said he was a policeman, had picked the victim up and, hailing a passing cab, had driven him to the hospital.

Louis Rosenberg, who said he was a conductor on a First Avenue horse car, told Detective Stapleton that the man had attempted to alight from the car, and in so doing had fallen to the street. Mary Fitzgerald, of No. 419 East 23d street, identified the man as her father, Timothy, sixty years old.

The police and Dr. Hill, however, are in doubt about the man having received his injuries by falling from a car, saying that it was impossible for a man to receive such injuries in the manner described.

Patrolman Gatewood, who brought the man to the hospital in the cab, later made a report to the East 23d street station. He explained his disappearance by saying that he had an order to report for duty to the West 68th street station, where he was assigned. Gatewood, however, could not say how the man had received his injuries.

MOOSE AT IT THIS MORNING

Still Spellbinding at 2 A. M. Before Franklin Statue.

About two hundred and fifty persons attended a Bull Moose meeting held early this morning in front of the Franklin statue, in Printing House Square, where half a dozen speakers expounded Progressive doctrine.

One of the orators was Lieutenant H. Nordwall, of Holland, who recently came to this country after circling the globe in wooden shoes. He told of his personal acquaintance with Colonel Roosevelt, and said that if many of the voters knew him as well as he did they would not hesitate to vote for him.

It appeared to be an enthusiastic crowd, for whenever Colonel Roosevelt's name was mentioned they cheered for several minutes. The rally was in full swing at 2 a. m.

Some of the other speakers were Benjamin C. Marsh, former Attorney General; Price Bell, Bela Tokaji and Thomas Atkins.

WARNING TO VOTERS.

Polls open at 6 a. m. and close at 5 p. m. Vote early and do not lose your right.

WHERE CANDIDATES VOTE AND HEAR RETURNS.

Vote at

Hear results at

Taft..... Cincinnati..... Home of brother, C. P. Taft.

Wilson..... Princeton..... Princeton.

Roosevelt..... Oyster Bay..... Sagamore Hill, Oyster Bay.

Hedges..... No. 408 West 34th St..... Hotel Martinique.

Sulzer..... No. 39 Third Ave..... Home, No. 175 Second Ave.

Straus..... No. 353 Amsterdam Ave..... Home, No. 5 West 76th St.

WARREN TO VOTERS.

Polls open at 6 a. m. and close at 5 p. m. Vote early and do not lose your right.

WHERE CANDIDATES VOTE AND HEAR RETURNS.

Vote at

Hear results at

Taft..... Cincinnati..... Home of brother, C. P. Taft.

Wilson..... Princeton..... Princeton.

Roosevelt..... Oyster Bay..... Sagamore Hill, Oyster Bay.

Hedges..... No. 408 West 34th St..... Hotel Martinique.

Sulzer..... No. 39 Third Ave..... Home, No. 175 Second Ave.

Straus..... No. 353 Amsterdam Ave..... Home, No. 5 West 76th St.

WARREN TO VOTERS.

NEW YORK SAFE—BARNES

State Chairman Says Taft Has 75,000 Plurality.

HEDGES CERTAIN WINNER

Final Statement Based on County Chairmen's Figures, "Correct in Past."

(By Telegraph to The Tribune.) Albany, Nov. 4.—William Barnes, Jr., chairman of the Republican State Committee and one of the advisory committee of the Republican National Committee, came to Albany to-night. He will see, tomorrow morning, soon after the polls open and return to New York to receive election returns.

In discussing the probable result of the balloting in New York State, Mr. Barnes summed up the situation by saying that if the figures which have been received at state headquarters from the county chairmen up to the state "are correct, as they always have been, the result in the state will be fairly close between Taft and Wilson, with Taft in the lead. I am entirely willing to venture the prediction that the vote for Taft will be 60,000, Wilson about 60,000 and Roosevelt about 20,000."

Before making this prediction, Mr. Barnes said as to the final result much depended on what would be done in the City of New York. This he admitted was problematical.

"The reports from our county chairmen and election district canvassers throughout the state," he said, "converge on a plurality for Taft and Hedges outside the greater city to an almost impossible plurality of 75,000. In fact, the canvass shows a plurality of 110,000. The figures of the county chairmen, however, who always want to be on the safe side, estimate the plurality at 75,000."

"What the City of New York will do is problematical. Wilson is extremely weak, and will not come within 5,000 or 10,000 of the 25,000 votes which were polled for Bryan in 1908. On the other hand, Taft will lose one-third of the 20,000 votes which he polled against Bryan. This would leave Wilson with a plurality of only 35,000 in the greater city. From this calculation it will be readily seen that if the upstate chairmen are correct, as they always have been, the result in the state will be fairly close between Taft and Wilson, with Taft in the lead."

In discussing the governorship vote, Mr. Barnes said that it would divide substantially as the vote for President, although he said Hedges might have a little better of it. He said, to the large Jewish Democratic vote that will be cast for Straus.

Mr. Barnes talked freely of the probable results throughout the country. "The New England States," he said, "with the exception of Maine, are almost sure for Taft; New Jersey is in a condition of much uncertainty. Maryland, Delaware and Pennsylvania will go for Taft, and quite likely Indiana. Michigan is sure for Taft, as I believe Iowa and Wisconsin to be. Of Ohio and Illinois I can say nothing, because I have no knowledge of them."

"The Rocky Mountain States are for Taft. In South Dakota the Republican electors are for Roosevelt, although he is the candidate of another party. Such an anomalous and tricky condition of affairs requires no comment. North Dakota is for Taft."

THE NORUEGA NEAR PORT

Steamer in Tow of Cutter Approaching Norfolk.

(By Telegraph to The Tribune.) Norfolk, Va., Nov. 4.—The battleship Idaho, conveying the Norwegian steamer Noruega, the latter in tow of the revenue cutter Onondaga, reports to-night that all of the twenty-odd passengers and crew have been successfully transferred and are now quartered aboard the battleship.

Owing to the roughness of the sea the transfer was deemed inadvisable unless absolutely necessary until this afternoon, when it was accomplished without accident. The battleship boat crews acted admirably under trying conditions.

The Noruega is reported barely afloat to-night, with only one bulkhead holding against the water. The damaged steamer and convoys are reported within a few miles of the Virginia Capes. They are expected to pass into Hampton Roads soon after daylight to-morrow.

Captain Hanson is still on board the Noruega and is helping to make the task of the Onondaga as easy as possible by keeping the disabled ship on her course.

The Noruega's freight will be transferred to the steamer Mexicana, which is preparing to sail for Vera Cruz, to which port the Noruega was bound.

The full-rigged sailing ship Glenis, which was in collision with the Noruega on Friday morning, is being towed by the battleship Minnesota, and was reported to-night a few miles further down the coast than the Noruega.

WILL DIVORCE TALBOT

"Truth Wagon's" Author Took Girl to Panama, Wife Proves.

Warren Leslie, as referee, reported to the Supreme Court yesterday that Mrs. Hayden Talbot was entitled to a divorce from her husband, author of the play "The Truth Wagon." They were married in 1902, and have a daughter seven years old.

The testimony before the referee showed that in May, 1911, Talbot sailed from this city to Panama in the company of a young woman "with blue eyes and dark hair" who was not his wife, but whom it was alleged he publicly presented as Mrs. Talbot.

The steward and stewardess of the steamship were witnesses in the case. They said that the woman with Talbot got seasick on the trip, and that the playwright said she was his wife.

Mr. Leslie, the referee, recommended to the court that Talbot be ordered to pay Mrs. Talbot \$500 a year alimony and pay \$500 a year for the support of his child, who will be given into the custody of Mrs. Talbot.

CUTS COAL FREIGHT RATE

Commission Includes Small Sizes in Reduction Order

Washington, Nov. 4.—The Interstate Commerce Commission, in a decision today supplementing its recent order reducing the railroad rate on larger sizes of anthracite coal in the heavy traffic between Taylor, Penn., and Hoboken, N. J., including the New York lighters, cut the rate on rice and barley anthracite, the smaller sizes, to not exceed 98 cents.

The larger sizes were substantially cut before. The decision was on the complaint of the Marican Coal Company.

FARLEY ON PACIFIC COAST

Cardinal and His Party Paying His First Visit to San Francisco.

(By Telegraph to The Tribune.) San Francisco, Nov. 4.—In company with the distinguished prelates who accompanied him across the continent and Archibishop P. W. Riordan, Cardinal John Farley spent today in motoring through Golden Gate Park, along the beach boulevard and to the city's show places. Constant expressions of delight proclaimed the intense interest he took in viewing San Francisco for the first time.

Cardinal Farley will be tendered a luncheon at the Cliff House to-morrow, and in the afternoon will be taken over the 1915 fair site as the guest of the exposition officials. He will be the guest of Mayor Rolph and the city on Wednesday and will be taken on a trip around the bay.

PROMISE TAFT VICTORY

White House Receives Encouraging Reports.

WEST PUT IN HIS COLUMN

President Told He Will Carry New York City—Minnesota Swinging Into Line.

(From The Tribune Bureau.) Washington, Nov. 4.—On the eve of the election the most encouraging reports from New York, Minnesota, Kentucky and several Western states reached the White House. Governor Eberhart of Minnesota, after an extended tour of his state, reports the sentiment there as rapidly swinging to the Republican ticket.

The manager in charge of the wage earners' exhibit in New York predicts that President Taft will carry New York City by a large majority, and says he has been gaining rapidly in the last ten days.

The Rev. John Wesley Hill, who has completed a three weeks' campaign in Ohio, predicts a big majority for the President in that state.

Illinois, according to ex-Senator Mason, will give the usual Republican vote to President Taft.

George M. Henderson, of Brooklyn, writes:

"Since writing you last Saturday four more friends—three Democrats and one Moose—have decided to vote for you. Continued prosperity under a Republican administration, business larger than ever, a tariff for revenue only administration is causing both Democrats and Bull Moose to come to your support."

Another letter from Louisville, corroborating the President's statement that the Democrats were responsible for the panic and hard times of 1893, was received today. It read:

"You are right in your analysis of the panic and depression of 1893 to 1895. No amount of declamation can shake your position. 'The Courier-Journal' of October 1892, said: 'Not a cloud of gloom, financial, business larger than ever before at this time of the year.'"

In August, 1893, Bourke Cockran said in Congress: 'I agree with the gentleman that when Congress adjourned last March the country was in the highest degree prosperous, but now the gaunt spectre of starvation stalks abroad in the land.'"

Dun's 'Review of Trade' at the close of 1892 said: 'The most prosperous year ever known in business closed on the 31st of December 1892.' 'Bradstreet's' said: 'The banner year for bank clearings has just closed.'"

Dun's 'Review' at the close of 1893 said: 'Starting with the largest trade ever known, mills crowded with work and all business stimulated by high hopes, the year 1893 has proved in sudden shrinkage of trade, in commercial disasters and depression of industries the worst for fifty years.'"

Mr. Cleveland, in his message to Congress in August, 1893, said: 'With plentifulness with abundant promise of remunerative production and manufacture, with unusual invitation to safe investment and with satisfactory assurance of business, suddenly, suddenly, financial distrust and fear have sprung up on every side.'"

"MOVIES" PLAY POLITICS

Cartoonist Shows Films Made to Advertise Democracy.

A new feature in campaign advertising was shown after 11 o'clock last night at the Park Row Theatre, No. 31 Park Row, by C. R. Macauley, the cartoonist and president of the Press Club. Newspaper men from about every paper in the city had been invited, and the house was filled with editors, reporters, artists and advertising men when Mr. Macauley in a short address explained the object of the midnight gathering.

A little more than a week, the speaker said, was all the time required to make the reels for the motion pictures and the cartoon that had been evolved at the Democratic national headquarters and Taft had cost the party some \$16,000, the first reel having cost \$5,000.

Since then, he said, some twenty million persons had seen the pictures, which were then thrown on the screen after "Bunny at the Derby" had been shown.

The first picture disclosed the parlor of the king of the trusts, who is seated at a table tearing up letters that appeal to him for various forms of reform for the employees in his mills.

A couple of mill hands who come to ask a slight advance in wages are "fired out" by the king's hired butler, but when a ward politician appears, who asks for \$100,000 to swing 100,000 votes, the gold safe of the trusts is swung open and the gold is shovelled into a dough bag he has brought with him.

Then one of Macauley's cartoons was shown, representing Roosevelt and Taft clinging to a figure representing the trusts, past which a workman with a dinner pail walks shaking his head. These pictures are entitled "The Old Way."

They are followed by "The New Way," which shows first a sign announcing that one hundred thousand men are wanted to elect the candidates. The same workman with the dinner pail is so impressed with this new way that he at once takes out a dollar and sends it along in a big envelope.

Then follow the pictures of Wilson and Marshall and the family of Governor Wilson. The whole was interspersed with short, snappy paragraphs by Elbert Hubbard and others.

WOULD FREE ROSENTHAL KIN

Hull's Counsel Wants Indictment Dismissed.

When the case of Richard Hull and John Fleming, arrested in the raid made by Lieutenant Charles Becker on Rosenthal's gambling house last April, came up before Judge Malone in General Sessions yesterday their counsel, Frederick Goldsmith, said he was ready to move for the dismissal of the indictments. He said the evidence against the place was obtained by Steiner and White and that they had perjured themselves.

At the request of Robert E. Manley, the Assistant District Attorney, the case was put over until Thursday. The District Attorney will prepare a full statement of the case, giving extracts from the record in the Becker trial, and will leave the matter of dismissing the indictments to the discretion of the court. Hull is a nephew of Mrs. Rosenthal.

BROKERS TO BE BUSY TO-NIGHT.

A large number of Stock Exchange houses will have their uptown offices open this evening for the accommodation of customers who may desire to have buying or selling orders, based on the outcome of the election, executed in London in advance of the opening of the local market to-morrow morning. Several of the firms will also keep the doors of their main offices open during the evening. The London brokers will reach their offices at an earlier hour than usual, in order to handle the expected large business from this side of the ocean. In 1908 the buying orders cable to London after the election of Mr. Taft as President was assumed aggregated about 200,000 shares of stock.

AIRMAN SUES CITY FOR \$25,500.

Frank T. Coffin, the aviator, filed suit against the City of New York yesterday to recover \$25,500 damages for personal injuries. Coffin was severely injured when he was thrown out of an automobile belonging to the Department of Water Supply, Gas and Electricity, in which he was riding with the secretary of Commissioner Thompson. Coffin alleges neglect in that the city had no guard on the bridge from which he was thrown.